

PATENT  
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1c903 U.S. PTO  
09/815414  
03/22/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ENAMI ET AL.

For Reissue of Patent No.  
5,948,850

Issued: September 7, 1999

) THERMOPLASTIC ELASTOMER  
) COMPOSITION FOR POWDER SLUSH  
) MOLDING AND PROCESS FOR  
) PREPARATION OF SAID  
) COMPOSITION  
)  
)

**REISSUE DECLARATION PURSUANT TO**  
**37 C.F.R. §1.72(a) and §1.75(a)(3)**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Hirohide Enami, Kenro Ono, and Kastuyuki Hioki declare:

1. Our residences and country of citizenship are as indicated with our signatures here below.
2. We are joint inventors of the above identified patent for which reissue is sought.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit 3/22/01

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D. C. 20231.

T Craine  
(Typed or Printed Name of Person Mailing Paper or Fee)

T Craine  
(Signature of person mailing paper or fee)

3. We have reviewed and understand the contents of the specification, including the claims, as amended in this reissue application.

4. We believe we are the original and first inventors of the subject matter which is claimed and for which a reissued patent is sought.

5. We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR § 1.56(a).

6. We believe that U.S. Patent No. 5,948,850 is partly inoperative or invalid by reason of claiming less than we had a right to claim in the patent.

7. We believe that the subject matter disclosed in the specification was not claimed as broadly as we were entitled to claim. Specifically, the elastomer excellent in oil absorbing power "ethylene/octene copolymer" as recited at column 2, line 16 and column 3, lines 60-61 was not claimed in claims 1, 12, 13, 14, and 21.

8. We believe that we were entitled to claim ethylene/octane copolymer as an elastomer excellent in oil absorbing power in claims 1, 12, 13, 14, and 21.

9. New claim 27, and new claims 28-37 which depend on new claim 27; new claim 38; new claim 39; new claim 40 and new claims 41-46 which depend on new claim 40; new claim 47 and new claims 48 and new claim 49 which depend on new claim

47; overcome the defect described in paragraph 7 by reciting "ethylene/octene copolymer" as an elastomer excellent in oil absorbing power.

10. Claims 27-49 have accordingly been submitted herewith to provide coverage commensurate in scope to our invention.

11. We submit that the failure to realize that United States Patent No. 5,948,850 did not include claims to an ethylene/octene copolymer as an elastomer excellent in oil absorbing power is attributable at least in part to conveyance of information between Mitsubishi Belting Ltd. and U.S. patent counsel during prosecution of the application. We were not aware, until after U.S. Patent No. 5,948,850 issued that ethylene/octene copolymer was not claimed as part of the usable group of elastomers for the claimed composition for powder slush molding.

12. The specification has been revised to correct a typographical error in Table 7 (column 11, line 12) wherein "POE<sup>22</sup>" was entered in error instead of "SEPS<sup>22</sup>".

13. The Applicants sent the attorneys of record a FAX indicating that Table 7 contained the error as described in paragraph 12 herein.

We further state that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that

such willful false statements may jeopardize the validity of the application or any reissue patent issuing thereon, or any patent to which this declaration is directed.

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